

THE HONORABLE JAMES L. ROBART

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,
Plaintiff,
vs.
MOTOROLA, INC., et al.,
Defendants.

MOTOROLA MOBILITY LLC, et al.,
Plaintiffs,
vs.
MICROSOFT CORPORATION,
Defendants.

Case No. C10-1823-JLR

[PROPOSED] ORDER GRANTING
MICROSOFT CORPORATION'S RULE
702 MOTION TO PRECLUDE
TESTIMONY BY MOTOROLA'S
EXPERTS

Before the Court is Plaintiff Microsoft Corporation's Rule 702 Motion to Preclude Testimony by Motorola's Experts.

IT IS ORDERED THAT the following testimony of Motorola's expert witnesses is excluded from the upcoming August 2013 trial:

- Richard Holleman's legal interpretation of the RAND commitment, as reflected in paragraphs 15, 21, 23, 30, 31, 36, 39, 59, and 60 of his May 29, 2013 opening report, and paragraphs 34 and 47 of his June 10, 2013 rebuttal report.

- Richard Holleman’s testimony contradicting or undermining the Court’s prior rulings, as reflected in paragraphs 35, 38, 47, and 48 of his May 29, 2013 opening report, in paragraph 4 of his June 10, 2013 rebuttal report, and in his June 19, 2013 deposition testimony at 175:10–176:1, 181:20–182:8.
- Richard Holleman’s ultimate conclusions on good faith or breach, as reflected in paragraphs 15, 33, 37, 38, and 60 of his May 29, 2013 opening report.
- Gregory Leonard’s legal opinions that contradict the Court’s prior rulings, as reflected in paragraphs 28, 78, 79, 81 of his May 29, 2013 opening report, paragraph 7 of his June 20, 2013 rebuttal report, and in his June 24, 2013 deposition at 39:23–43:9, 108:19–109:19, and 126:22.
- Gregory Leonard’s legal conclusions reflected in paragraphs 19 and 33 of his June 10, 2013 rebuttal report.
- Gregory Leonard’s ultimate conclusion on good faith, as reflected in paragraphs 60, 61, and 85 of his May 29, 2013 opening report.
- Maximilian Haedicke’s proposed testimony, as outlined in his May 29, 2013 opening report.
- Maximilian Haedicke’s proposed testimony, as outlined in his June 10, 2013 rebuttal report.
- Bradley Keller’s proposed testimony, as outlined in his June 10, 2013 rebuttal report.

DATED this ____ day of _____, 2013.

HONORABLE JAMES L. ROBART

Presented by:
CALFO HARRIGAN LEYH & EAKES LLP

By s/Arthur W. Harrigan, Jr.
Arthur W. Harrigan, Jr., WSBA #1751

By s/Christopher Wion
Christopher Wion, WSBA #33207

By s/Shane P. Cramer
Shane P. Cramer, WSBA #35099
999 Third Avenue, Suite 4400
Seattle, WA 98104
Phone: 206-623-1700
arthurh@calfoharrigan.com
chrisw@calfoharrigan.com
shanec@calfoharrigan.com

By s/T. Andrew Culbert
T. Andrew Culbert

By s/David E. Killough
David E. Killough

MICROSOFT CORPORATION
1 Microsoft Way
Redmond, WA 98052
Phone: 425-882-8080
Fax: 425-869-1327

David T. Pritikin
Richard A. Cederoth
Constantine L. Trela, Jr.
William H. Baumgartner, Jr.
Ellen S. Robbins
Douglas I. Lewis
David C. Giardina
John W. McBride
Nathaniel C. Love

SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
Phone: 312-853-7000
Fax: 312-853-7036

Carter G. Phillips
Brian R. Nester

SIDLEY AUSTIN LLP
1501 K Street NW
Washington, DC 20005
Telephone: 202-736-8000
Fax: 202-736-8711

Counsel for Microsoft Corp.

CERTIFICATE OF SERVICE

I, Tim Murphy, swear under penalty of perjury under the laws of the State of Washington to the following:

1. I am over the age of 21 and not a party to this action.
2. On the 3rd day of July, 2013, I caused the preceding document to be served on counsel of record in the following manner:

Attorneys for Motorola Solutions, Inc., and Motorola Mobility, Inc.:

Ralph Palumbo, WSBA #04751
Philip S. McCune, WSBA #21081
Lynn M. Engel, WSBA #21934
Summit Law Group
315 Fifth Ave. South, Suite 1000
Seattle, WA 98104-2682
Telephone: 206-676-7000
Email: Summit1823@summitlaw.com

____ Messenger
____ US Mail
____ Facsimile
 X ECF

Steven Pepe (*pro hac vice*)
Jesse J. Jenner (*pro hac vice*)
Ropes & Gray LLP
1211 Avenue of the Americas
New York, NY 10036-8704
Telephone: (212) 596-9046
Email: steven.pepe@ropesgray.com
Email: jesse.jenner@ropesgray.com

____ Messenger
____ US Mail
____ Facsimile
 X ECF

Norman H. Beamer (*pro hac vice*)
Ropes & Gray LLP
1900 University Avenue, 6th Floor
East Palo Alto, CA 94303-2284
Telephone: (650) 617-4030
Email: norman.beamer@ropesgray.com

____ Messenger
____ US Mail
____ Facsimile
 X ECF

Paul M. Schoenhard (*pro hac vice*)

Ropes & Gray LLP

One Metro Center

700 12th Street NW, Suite 900

Washington, DC 20005-3948

Telephone: (202) 508-4693

Email: Paul.schoenhard@ropesgray.com

_____ Messenger

_____ US Mail

_____ Facsimile

 X ECF

Andrea Pallios Roberts (*pro hac vice*)

Brian C. Cannon (*pro hac vice*)

Quinn Emanuel Urquhart & Sullivan, LLP

555 Twin Dolphin Drive, 5th Floor

Redwood Shores, CA 94065

Telephone: (650) 801-5000

Email: andreaproberts@quinnemanuel.com

Email: briancannon@quinnemanuel.com

_____ Messenger

_____ US Mail

_____ Facsimile

 X ECF

Kathleen M. Sullivan (*pro hac vice*)

David Elihu (*pro hac vice*)

Quinn Emanuel Urquhart & Sullivan, LLP

51 Madison Ave., 22nd Floor

New York, NY 10010

Telephone: (212) 849-7000

Email: kathleensullivan@quinnemanuel.com

_____ Messenger

_____ US Mail

_____ Facsimile

 X ECF

William Price (*pro hac vice*)

Quinn Emanuel Urquhart & Sullivan, LLP

865 S. Figuera St., 10th Floor

Los Angeles, CA 90017

Telephone: (212) 443-3000

Email: williamprice@quinnemanuel.com

MicrosoftvMotoBreachofRANDCase@quinnemanuel.com

_____ Messenger

_____ US Mail

_____ Facsimile

 X ECF

DATED this 3rd day of July, 2013.

s/ Tim Murphy

TIM MURPHY